

## **CORRECTING GENDER ERRORS ON BIRTH CERTIFICATES**

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## What Is gender error?

Sometimes, hospitals or local registrars will incorrectly enter the gender information on an individual's birth certificate (e.g., "female" for male, or "male" for female). This is called "gender error." The definition of gender error does not apply to an individual who has undergone surgical procedures to alter his or her sexual characteristics.

## Can gender errors be corrected?

Gender errors can be corrected by filing an *Application to Amend a Record*, Form VS 24(S) with the Office of Vital Records (OVR), P.O. Box 730241, Sacramento, CA, 94244-0241.

## How Is the record corrected?

Upon receipt of the application, sworn affidavits, and payment of the required fee, OVR will review the documents and, if acceptable, will seal the original birth certificate and issue a new one in its place. The new birth certificate shall in no way indicate that it is not the individual's original birth certificate and shall be the only birth certificate for that individual open to public inspection.

## Who may apply for the corrected birth record?

The individual listed on the birth certificate may complete the VS 24(S) if he or she is 18 years of age or older. If the individual is under 18 or is incompetent, the parent, legal guardian, or conservator may apply on his or her behalf.

## What sworn affidavits are required?

Health & Safety Code Section 103447 requires one affidavit that satisfies **one** of the following three conditions:

- Must be signed by the administrator of the birthing hospital (or the administrator's representative), who must indicate on the affidavit that the gender error was due to a hospital error.
- Must be signed by a representative of the local registrar, who must indicate on the affidavit that the gender error was due to an administrative error of the local registrar.
- Must be signed by the physician who attended the birth and signed by the individual's mother or father (or a relative who was at least five years old at the time of the individual's birth), who must indicate on the affidavit that the listed individual's gender at the time of birth was different from the gender indicated on the original birth certificate.

### What is the fee to correct the birth certificate?

The current fee to amend a record to correct gender error is \$20 and includes one certified copy of the newly created birth certificate. Additional certified copies of the new birth certificate are \$15 each.

### What if I amended my (or my child's) birth certificate prior to January 1, 2001, to correct a gender error?

OVR will follow the procedures outlined above for any individual seeking to correct a gender error, regardless of previous amendments. Prior to January 1, 2001, OVR could not seal original birth certificates and replace them with new ones when correcting gender errors. Instead, individuals received a two-page document consisting of a copy of the original birth certificate containing the incorrect information, and a copy of the amendment containing the correct information. OVR can now seal those records and provide you with a one-page birth certificate that contains the correct gender information.

### What are the standards of acceptability for the Application to Amend a Record?

Birth certificates are legal documents that must be able to hold up in any court, unchallenged as to their accuracy and reliability. Therefore, the following standards must be met when submitting an Affidavit to Amend a Birth Record:

- Every item on the amendment must be completed.
- The amendment must be completed legibly, in durable black ink.
- The amendment form must be an original, not a photocopy.
- There can be no erasures, whiteouts, or alterations to the amendment.

### Where can I get the forms I need?

The *Affidavit to Amend a Record* must be on an original form. Therefore, we are unable to provide the form online. However, you can request that a form be mailed to you by clicking on [OVRform@dhs.ca.gov](mailto:OVRform@dhs.ca.gov) and providing us with your name, mailing address, and the form number you wish to receive. You may also obtain the VS 24(S) form from the [County Recorder](#) or the [County Health Department](#) located in any California county. Xeroxed copies of the form are not acceptable.

### What are the timeframes for processing amendments?

Because of the large backlog in amendments, they are processed in the order received. The current processing time for birth amendments is approximately ten months. Please note that processing times are subject to change without notice.

I still have unanswered questions. [Where can I get help?](#)

If you have additional questions, please call (916) 557-6073 and leave your name and telephone number. One of our Amended Records Unit staff will return your call within 48 hours.